
HOUSE BILL No. 1405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-2-2.

Synopsis: Criminal trespass. Provides that a person does not commit criminal trespass when the person retrieves a dog that has strayed onto private property, if the person does not possess a bow or firearm while on the property.

Effective: July 1, 2005.

Whetstone, Thompson

January 13, 2005, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1405

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person who:
3 (1) not having a contractual interest in the property, knowingly or
4 intentionally enters the real property of another person after
5 having been denied entry by the other person or that person's
6 agent;
7 (2) not having a contractual interest in the property, knowingly or
8 intentionally refuses to leave the real property of another person
9 after having been asked to leave by the other person or that
10 person's agent;
11 (3) accompanies another person in a vehicle, with knowledge that
12 the other person knowingly or intentionally is exerting
13 unauthorized control over the vehicle;
14 (4) knowingly or intentionally interferes with the possession or
15 use of the property of another person without the person's consent;
16 (5) not having a contractual interest in the property, knowingly or
17 intentionally enters the dwelling of another person without the



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1 person's consent; or

2 (6) knowingly or intentionally:

3 (A) travels by train without lawful authority or the railroad
4 carrier's consent; and

5 (B) rides on the outside of a train or inside a passenger car,
6 locomotive, or freight car, including a boxcar, flatbed, or
7 container without lawful authority or the railroad carrier's
8 consent;

9 commits criminal trespass, a Class A misdemeanor. However, the
10 offense is a Class D felony if it is committed on a scientific research
11 facility, on school property, or on a school bus or the person has a prior
12 unrelated conviction for an offense under this section concerning the
13 same property.

14 (b) A person has been denied entry under subdivision (a)(1) of this
15 section when the person has been denied entry by means of:

16 (1) personal communication, oral or written; or

17 (2) posting or exhibiting a notice at the main entrance in a manner
18 that is either prescribed by law or likely to come to the attention
19 of the public.

20 (c) Subsections (a) and (b) do not apply to the following:

21 (1) A passenger on a train.

22 (2) An employee of a railroad carrier while engaged in the
23 performance of official duties.

24 (3) A law enforcement officer, firefighter, or emergency response
25 personnel while engaged in the performance of official duties.

26 (4) A person going on railroad property in an emergency to rescue
27 a person or animal from harm's way or to remove an object that
28 the person reasonably believes poses an imminent threat to life or
29 limb.

30 (5) A person on the station grounds or in the depot of a railroad
31 carrier:

32 (A) as a passenger; or

33 (B) for the purpose of transacting lawful business.

34 (6) A:

35 (A) person; or

36 (B) person's:

37 (i) family member;

38 (ii) invitee;

39 (iii) employee;

40 (iv) agent; or

41 (v) independent contractor;

42 going on a railroad's right-of-way for the purpose of crossing at a

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- 1 private crossing site approved by the railroad carrier to obtain
2 access to land that the person owns, leases, or operates.
3 (7) A person having written permission from the railroad carrier
4 to go on specified railroad property.
5 (8) A representative of the Indiana department of transportation
6 while engaged in the performance of official duties.
7 (9) A representative of the federal Railroad Administration while
8 engaged in the performance of official duties.
9 (10) A representative of the National Transportation Safety Board
10 while engaged in the performance of official duties.
11 **(11) A person who retrieves a dog that has strayed onto**
12 **private property, if the person does not possess a bow or**
13 **firearm while on the property.**

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